

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 24-41) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the presently claimed invention provides a floor framing system, which includes a plurality of elongate load bearing framework members, which are supported by the building or foundations thereof. The elongate load bearing framework members have, at least, two elongate structural members and at least one structural web member extending between the elongate structural members. The elongate structural members have at least one web element which is substantially upright and at least one flange element which is perpendicular to the web element. The structural web member has at least one web element which is substantially upright and at least one flange element which is perpendicular to the web element, so that at least one web element of the structural web member mates at mating locations with the web elements of the elongate structural members for allowing connection means to be applied at the mating locations.

As claimed, the elongate structural members are shaped as, and resemble, an inverted top-hat section formed by hav-

ing the two flange elements and the two web elements, with the third element perpendicular to, and adjoining, the two web elements, as best illustrated in FIGS. 2, 3, 10, 13, 15-20 and 24 of Applicant's Specification. The possible use of connection means in relation to this inventive shape for the elongate structural members of the invention is shown in such drawing figures as FIGS. 10, 13 and 15-20, which yields greater utility and flexibility in building construction than currently known means for provided suspended floor systems and similar construction tasks.

As will be explained in greater detail hereinafter, nowhere in the prior art is a structural framework construction system, which includes elongate structural members having an inverted "top-hat" shape, either disclosed or suggested.

By the present amendments, Applicant has cancelled prior Claims 1-23 and has substituted therefor new Claims 24-41, of which Claims 24 and 37 are now the two pending independent claims for the application and recite that the elongate structural members are shaped as, and resemble, an inverted top-hat section.

In drafting new Claims 24-41, Applicant has taken into consideration the grounds for the Examiner's indefiniteness rejection, issued pursuant to 35 U.S.C. §112, second paragraph, in order to overcome the indefiniteness rejection of

the first Office Action and to generally rewrite the claims in closer conformity with U.S. practice.

In view of the entry of new Claims 24-41, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. §112, second paragraph, indefiniteness rejection of the first Office Action.

Applicant has also avoided the use of multiple dependent claims, which had (evidently) not been entirely deleted as a result of the Preliminary Amendment, filed June 21, 2001. The Examiner had issued an objection under 37 C.F.R. §1.75(c) on the ground of improper dependency with respect to prior Claims 9 and 16, which have not been examined on the merits. The basis for objection under 37 C.F.R. §1.75(c) has been avoided via the entry of new Claims 24-41 and, consequently, withdrawal of this claim objection is now requested.

As part of the first Office Action, the Examiner also objected to the drawing figures of record, pursuant to 37 C.F.R. §1.83(a), on the ground that the "triangular/trapezoid" geometry of the elongate structural members recited in Claims 13 and 23 was not illustrated in the drawing figures.

The subject matter of prior Claims 13 and 23 is not recited in the newly-entered sets of claims and, consequently, Applicant respectfully contends that the Examiner's drawing objection of the first Office Action is now moot.

Turning now, in detail, to an analysis of the Examiner's prior art rejections of Applicant's claims, in the first Office Action that Examiner has rejected Applicant's original independent claims (now new Claims 24 and 37), and various dependent claims, as being anticipated, pursuant to 35 U.S.C. §102(b), by both Dawson et al., U.S. Patent No. 1,526,463; and Carns, U.S. Patent No. 1,706,996, on the contention that each of the foregoing references applied in the anticipation rejections of the first Office Action disclose all structural features of the enumerated claims in the 35 U.S.C. §102(b) anticipation rejections.

In reply to the Examiner's anticipation rejections applying each of Dawson et al. and Carns, it is respectfully submitted that neither of the applied references, considered individually or in combination with any of the prior art of record, disclose or suggest a "trussed structure" (as in Dawson et al.) or "beam or girder" system (as in Carns), which includes elongate structural members which

"are shaped as, and resemble, an inverted top-hat section having two flange elements and two web elements positioned substantially upright and a third web element perpendicular to, and adjoining, said two web elements, said two flange elements being perpendicular to said two web elements,"

as recited in newly-entered independent Claims 24 and 37, and as illustrated in several of Applicant's drawing figures, including FIGS. 2 and 3. The Dawson et al. truss illustrates a triangular arrangement for creating a supporting structure,

and not an "inverted top-hat section," while Carns is submitted to be even further removed than Dawson et al. to that which Applicant is claiming.

Accordingly, Applicant respectfully requests that the Examiner's 35 U.S.C. §102(b) anticipation rejections of the first Office Action, which apply either Dawson et al. or Carns, should be appropriately withdrawn.

Separately, the Examiner has issued two related obviousness rejection as part of the first Office Action, in which the Examiner has rejected Applicant's independent claims (now Claims 24 and 37) and various dependent claims as being obvious, pursuant to 35 U.S.C. §103(a), over Nelson, U.S. Patent No. 4,878,323, taken in view of Stromback, U.S. Patent No. 4,982,545, on the contention that the primarily-applied reference of Nelson discloses a floor framing system which includes a plurality of elongate load bearing framework members for a building, which comprises elongate structural members that are shaped as, and resemble, an inverted top-hat section having two flange elements and two web elements, with a third web element being perpendicular to, and adjoining, the two web elements.

The Examiner has conceded that Nelson does not show the web structural members as having at least one flange element which is perpendicular to the web element. The Examiner has therefore secondarily-applied Stromback for its contended

teaching of a web structural member (19) having a vertical web (3) and at least one flange element (as shown in the upper portion of FIG. 4 of Stromback), which is perpendicular to the web element. The Examiner has, therefore, taken the position that it would have been obvious to have modified the web structural members of Nelson to include at least one flange element, which would be perpendicular to the web element, as taught by Stromback to arrive at that being claimed by the instant Applicant.

In reply to the Examiner's obviousness rejections of the first Office Action, which both apply Nelson taken in view of Stromback, both of the applied references pertain to roof truss systems, as opposed to floor or ceiling framework systems, and in this regard, differ from that to which the present invention is directed.

Further, the Examiner and Applicant would appear to be in agreement that Nelson fails to disclose the web structural members as having at least one flange element that is perpendicular to the web element(s), as claimed by Applicant. Nelson's roofing truss setting system, it is respectfully contended, includes a bottom chord or joist (27), as described in Nelson (Col. 5, line 5 - Col. 6, line 64), and as specifically noted by the Examiner in the obviousness rejections. The roof truss setting system of Nelson would appear to work perfectly well for its intended purpose without the web

structural members having at least one flange member that is perpendicularly aligned to at least one (and preferably two) web elements. Whether such an arrangement would be effective for a flooring (or ceiling) system is unknown, however, Nelson cannot reasonably be read as suggesting the modification proposed by the Examiner in the obviousness rejections of record under such circumstances and for which Stromback (which also concerns a roof truss system) has been secondarily-applied. In effect, to selective "pick-and-choose" the proposed feature for which Stromback has been applied, and to modify Nelson, absent any structural basis, incentive or suggestion for why it would be necessary in Nelson, is respectfully submitted to not be proper.

Consequently, Applicant respectfully submits that the Examiner's 35 U.S.C. §103(a) obviousness rejections of the first Office Action, which each apply Nelson taken in view of Stromback, have been overcome and should be appropriate withdrawn.

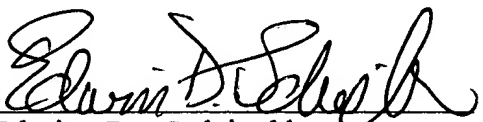
Concerning, finally, the remaining reference made of record by the Examiner, but not applied in any rejection of Applicant's claims, such additional art reference has been carefully considered, but are not believed to adversely affect the patentability of the present invention, as claimed.

In view of the foregoing, it is respectfully contended

that all claims now pending in the above-identified patent application (i.e., Claims 24-41) a novel and efficient structural framework member for suspended floor and ceiling systems, which includes elongate structural members which are shaped as, and resemble, an inverted top-hat section having two flange elements and two web elements positioned substantially upright and a third web element perpendicular to, and adjoining, the two web elements, with the two flange elements being perpendicular to the two web elements," which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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Enc.: 1. Petition for Three-Month Extension of Time; and,
2. Check for \$510.00 (Three-Month Extension Fee).

The Commissioner is hereby authorized to charge the Deposit Account of Applicants' Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.